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Nov. 9, 2013

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: CG Docket No. 11-116, Empowering Consumers to Prevent and Detect Billing for Unauthorized Charges (“Cramming”)

Dear Secretary Dortch:

I am writing to help refresh the record in response to the Commission’s proposed rulemaking regarding wireless cramming. As a member of a generation that has wholeheartedly embraced mobile technology and all but abandoned wireline telecommunications, I strongly recommend that the Commission expand the scope of its new cramming regulations to reach wireless telephone billing.

- **The telecommunications industry is overwhelmingly trending towards mobile phones and away from wirelines.** A 2013 report published by the Centers for Disease Control found that the majority of Americans (54%) exclusively use mobile phones or “received all or almost all calls on wireless telephones despite also having a landline telephone.”¹ Moreover, the percentage of wireless-only telephone users more than tripled from 2006–2012.² Unsurprisingly, cramming in wireless billing is also on the rise, as the Commission has found.³
- **Younger consumers are more likely to be wireless-only telephone users. But they are less economically suited to handle cramming charges.** Young adults are more likely to live in wireless-only households than older adults: 62% of adults aged 25–29 and 57% of adults aged 30–34 live in wireless-only households.⁴ In contrast, only 44% of adults aged 35–44, 28% of adults aged 45–64, and 12% of adults aged 65+ live in wireless-only households.⁵ At the same time, young adults (ages 25–34) are more likely than their older

¹ STEPHEN J. BLUMBERG & JULIAN V. LUKE, CTRS. FOR DISEASE CONTROL & PREVENTION, WIRELESS SUBSTITUTION: EARLY RELEASE OF ESTIMATES FROM THE NATIONAL HEALTH INTERVIEW SURVEY, JULY–DECEMBER 2012, at 1 (2013), available at <http://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201212.PDF>.

² *Id.* at 1 fig.1.

³ 27 FCC Rcd. 4444 (2012).

⁴ BLUMBERG & LUKE, *supra* note 1, at 2.

⁵ *Id.*

counterparts to live within 150% of the poverty line, be unemployed, or rely upon welfare programs.⁶

- **The telecommunications industry's voluntary response to wireless cramming has been minimal.** Following the adoption of anticramming rules for wireline billing, AT&T and Verizon voluntarily announced they would stop adding unauthorized third-party charges to their customers' wireline bills.⁷ But neither company announced similar protections for their wireless customers. T-Mobile and Sprint have likewise done little to shield their wireless customers from cramming practices.⁸

As our society transitions away from wireline telecommunications towards wireless, cramming schemes are adapting and following. The Commission's regulations should reflect these changes. It makes little sense to regulate cramming only in a market that is already in decline while allowing the practice to move unchallenged towards the newer, thriving wireless market.

Sincerely,



Gabriel Schlabach
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⁶ Jordan Weissmann, *Yup, Being a Young American Adult is a Financial Nightmare*, ATLANTIC (Nov. 6, 2013, 2:19 PM ET), <http://www.theatlantic.com/business/archive/2013/11/yep-being-a-young-american-adult-is-a-financial-nightmare/281214/>.

⁷ Brendan Sasso, *Overnight Tech: Under Pressure from Lawmakers, AT&T Bans "Cramming,"* HILL (Mar. 28, 2012), <http://thehill.com/blogs/hillicon-valley/technology/218887-overnight-tech-under-pressure-from-lawmakers-atat-bans-cramming>.

⁸ When searching for "cramming" on T-Mobile's website, the only T-Mobile-authored document that appears (as of Nov. 9, 2013) regards a New Mexico consumer protection bill. See *New Mexico Consumer Protection*, T-MOBILE (Mar. 20, 2013, 5:40 AM), <http://support.t-mobile.com/docs/DOC-2078>. A similar search for "cramming" on Sprint's website turned up no Sprint-authored documents directed toward wireless customers.